



April 9, 2020

**William Lesser**

Direct Phone 212-453-3808

Direct Fax 646-588-1450

wlesser@cozen.com

**VIA ECF**

The Honorable Vernon S. Broderick  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *The Management Group, LLC v. Holidaynet, LLC, et al.*; Case No.: 1:19-cv-04917-VSB**

Dear Judge Broderick:

We represent Defendant GoDaddy.com, LLC, inadvertently named as GoDaddy, Inc. (“GoDaddy”), in connection with the above-captioned action.

We write regarding the Court’s January 22, 2020 Order regarding Plaintiff The Management Group, LLC’s (“Plaintiff”) Notice of Voluntary Dismissal with prejudice. *See* Dkt. No. 48. Pursuant to the Order, Plaintiff was required to file a “revised Notice of Voluntary Dismissal” on or before February 21, 2020, or else the case would be dismissed. *See id.* Plaintiff has not filed a revised Notice of Voluntary Dismissal to date. Pursuant to the attached email exchange between co-counsel for GoDaddy Jeffrey Monhait and counsel for Plaintiff (*see* Exs. A and B), in which GoDaddy sought to resolve this issue, Plaintiff apparently has no intent to do so.

Therefore, GoDaddy respectfully requests that it be dismissed from this action with prejudice, given that Plaintiff already attempted to dismiss this action with prejudice as to GoDaddy, *see* Dkt. No. 46, and given that Plaintiff asserted no viable cause of action against GoDaddy. GoDaddy respectfully requests that the Court enter the Proposed Order submitted concurrently herewith.

Respectfully submitted,

COZEN O’CONNOR

*s/William Lesser*

William Lesser

cc: Roger K. Marion, Esq. (via ECF)  
Jed M. Weiss, Esq. (via ECF)

---

# EXHIBIT A

**From:** Monhait, Jeffrey  
**Sent:** Tuesday, April 7, 2020 5:05 PM  
**To:** Roger K. Marion, Esq.  
**Cc:** Zecchini, Paula L.  
**Subject:** The Management Group LLC v. Holidaynet, LLC, et al., No. 1:19-cv-04917-VSB: Notice of Voluntary Dismissal  
**Attachments:** LEGAL 45676034v1 Notice of Voluntary Dismissal with Prejudice.DOCX

Roger,

I hope this note finds you well, and that you are staying safe and healthy.

I write regarding a necessary housekeeping matter to close out this case—the filing of a revised notice of voluntary dismissal, pursuant to the Court’s January 22, 2020 Order. Dkt. No. 48. We went ahead and modified the notice of voluntary dismissal you filed in January to make clear that GoDaddy is not a party to the settlement agreement between Plaintiff and Holidaynet.

If acceptable, please file it this week so that we can bring this matter to a close.

Best,  
Jeff



**Jeffrey M. Monhait**

**Member | Cozen O'Connor**

One Liberty Place, 1650 Market Street, Suite 2800 | Philadelphia, PA 19103

P: 215-665-2084 F: 215-989-4183

[Email](#) | [Bio](#) | [LinkedIn](#) | [Map](#) | [cozen.com](#)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE MANAGEMENT GROUP LLC,

Plaintiff,

v.

HOLIDAYNET, LLC and GODADDY, INC.

Defendants.

CASE NO. 1:19-cv-04917-VSB

Civil Action

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i)**

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, whereas no defendant hereto has filed an Answer to the Complaint nor a motion for summary judgment in the within litigation, and whereas the Management Group have regained the domains in issue rendering this Federal forum unnecessary; now therefore

Plaintiff hereby voluntarily dismisses this action with prejudice as to Defendant GoDaddy.com, LLC, inadvertently named as GoDaddy, Inc.; and

Plaintiff further voluntarily dismisses this action against Defendant Holidaynet, LLC (“Holidaynet”), with prejudice as to the domain names at issue, subject to the reservation of rights in the settlement agreement between Plaintiff and Holidaynet.

Dated: April 8, 2020

By: s/

Roger K. Marion

**MARION & ALLEN, P.C.**

488 Madison Avenue

Suite 1120

New York, New York 10022

Tel: 212-658-0350

*Attorneys for Plaintiff*

# EXHIBIT B

**From:** Roger K. Marion, Esq. <rmarion@rogermarion.com>  
**Sent:** Wednesday, April 8, 2020 5:47 AM  
**To:** Monhait, Jeffrey  
**Cc:** Zecchini, Paula L.  
**Subject:** Re: The Management Group LLC v. Holidaynet, LLC, et al., No. 1:19-cv-04917-VSB:  
Notice of Voluntary Dismissal

**\*\*EXTERNAL SENDER\*\***

Jeff,

I hope you and your family are safe and happy as well.

The dismissal you drew does not contain all of the provisions we need, hence the more complex withdrawal that was filed. The Court's Order does not make sense to me, but dropping the stipulations between counsel is not the answer. Jed and I have agreed to leave it alone. There is no active case at this point for the Judge to rule on, it has been withdrawn.

The time when you could have been helpful was last January when Godaddy apparently demanded that you refuse to work with us and refuse to sign anything. That obstruction created this minor mess just like Godaddy's demand to be sued created their participation. While I appreciate your team producing a document, it is not the document we need. What I filed does not require the Judge's signature, or even the Judge's involvement, only the Clerk to file it and mark the case closed as the Rules require.

Stay safe,

- Roger

Roger K. Marion, Esq.

Marion & Allen, P.C.  
488 Madison Avenue, Suite 1120  
New York, New York 10022  
201.264.6622 - 212.658.0350

New Jersey Office:  
190 Moore Street, Suite 204  
Hackensack, New Jersey 07601

---

This message from Roger K. Marion, Esq. contains confidential information, intended only for the person(s) named above, which may also be privileged. Any use, distribution, copying or disclosure by any other person is strictly prohibited. If you are not the named recipient(s), or otherwise authorized to receive this communication

for the named recipient(s), please advise sender's office immediately that you received this in error and then delete all pages and attachments of this email. IRS CIRCULAR 230 DISCLOSURE: No tax advice of any kind is included in, or should be derived from, the above email. Thank you.

On Tue, Apr 7, 2020 at 8:05 PM Monhait, Jeffrey <[JMonhait@cozen.com](mailto:JMonhait@cozen.com)> wrote:

Roger,

I hope this note finds you well, and that you are staying safe and healthy.

I write regarding a necessary housekeeping matter to close out this case—the filing of a revised notice of voluntary dismissal, pursuant to the Court's January 22, 2020 Order. Dkt. No. 48. We went ahead and modified the notice of voluntary dismissal you filed in January to make clear that GoDaddy is not a party to the settlement agreement between Plaintiff and Holidaynet.

If acceptable, please file it this week so that we can bring this matter to a close.

Best,

Jeff



**Jeffrey M. Monhait**

**Member | Cozen O'Connor**

One Liberty Place, 1650 Market Street, Suite 2800 | Philadelphia, PA 19103

P: 215-665-2084 F: 215-989-4183

[Email](#) | [Bio](#) | [LinkedIn](#) | [Map](#) | [cozen.com](http://cozen.com)

***Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without***



*reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.*